

ORDINANCE NO. _____ Series 2010

**A ORDINANCE REPEALING § 91.022 AND
AMENDING § 91.101 OF THE
LOUISVILLE/JEFFERSON COUNTY METRO CODE
OF ORDINANCES RELATING TO ANIMAL
WELFARE AND CONTROL.**

**Sponsored by: Councilwoman Cheri Bryant Hamilton
and Councilman Kelly Downard**

**NOW THEREFORE, BE IT ORDAINED BY THE
LOUISVILLE/JEFFERSON COUNTY METRO COUNCIL [THE "COUNCIL"] AS
FOLLOWS:**

SECTION I: LMCO § 91.022 is hereby repealed in its entirety

SECTION II: LMCO § 91.101 is hereby amended to read as follows:

§ 91.101 CONFISCATION OF VICTIMIZED ANIMAL.

(A) Any animal found involved in a violation of any portion of this section may be ~~confiscated~~ seized by any Animal Control Officer or any peace officer and held by MAS in a humane manner.

(B) Upon a hearing before a district court judge, and that judge finding probable cause for the charge, the court shall order ~~immediate forfeiture of~~ the animal to ~~the~~ be held or continue to be held by Metro Government ~~unless the~~ and shall further order the owner, within 24 hours of such finding, to post a cash bond with the court equal to the cost of care of the animal(s), including all estimated boarding and veterinary fees in the amount of \$450 (\$15 per day) plus all other fees, fines, and penalties imposed under this chapter for each animal, for the first 30 days of its impoundment. ~~If after 30 days, the case has not been~~

~~adjudicated, the owner must post another full cash bond on the 30th day in the same amount of the original bond or equal to the cost and care of each animal for the first 30 days, whichever is greater. This same process shall be followed each 30-day period until the case has been adjudicated. During the pendency of court proceedings involving charges against the owner of a victimized animal, an animal which is being held has been forfeited to seized by Metro Government under this Section (B) shall not be transferred out of the custody of MAS, nor destroyed except for humane reasons upon certification by a veterinarian that destruction is necessary.~~

(1) Upon a plea or finding of guilt the cash bond~~(s)~~ shall be immediately paid to MAS. Upon final dismissal of the charge against the owner within 30 days of the bond being posted pursuant to Section (B), above, the owner shall be refunded any daily fee for the days the animal was not actually held by MAS. The owner shall also be responsible to pay all costs of care from the date of the impoundment until the time of the first hearing and the posting of the initial bond, as well as any other associated expenses not covered by the daily boarding fee(s). Any portion of the posted bond that has not been encumbered by daily costs at the time of the pleas or finding of guilt shall be returned to the owner. Upon conviction, all animals ~~not forfeited seized~~ being held by MAS pursuant to subsection (B) herein above shall become the property of the Metro Government.

(2) Upon final dismissal of the charge against the owner, the owner shall reclaim the animal within forty-five (45) days of the dismissal or the animal shall be forfeited to MAS.

~~(2) (3) Upon a finding of innocence, any cash bond(s) posted shall be immediately returned to the owner. An owner who is liable for fees or expenses pursuant to Sections (B) and (B)(1), above, may apply to the MAS Director for a full or partial abatement of such fees and expenses on the grounds of financial inability to pay, or other compelling circumstances which in the judgment of the MAS Director would be reasonable and just. The application shall be in writing and the MAS Director's decision shall be in writing. A denial by the MAS Director of an application may be appealed to the Director of the Metro Department of Public Safety within ten (10) days of the MAS Director's decision. The Director of the Metro Department of Public Safety shall hear the appeal in accordance with rules established by the Department of Public Safety for that purpose. The decision of the Director of the Metro Department of Public Safety on an appeal shall be final.~~

SECTION III. Appendix A to LMCO Chapter 91, Metro Animal Services Fee Schedule, shall be amended to read as attached.

SECTION IV. This ordinance shall take effect upon its passage and approval.

Kathleen J. Herron
Metro Council Clerk

David W. Tandy
President of the Council

Jerry E. Abramson
Mayor

Approved: _____
Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

BY: _____
Assistant County Attorney

Chapter 91 - Amendments per Court Opinion - 20 Oct 2009 - roc/wtw
Chapter 91 - Amendments per Court Opinion - 2nd draft - 13 March 2010 - roc/wtw
Chapter 91 - Amendments - 3rd Draft - 8 April 2010 - roc/wtw
Chapter 91 - Amendments - 4ht Draft - 12 April 2010 - roc/wtw